

VETERINARY MEDICAL BOARD TELECONFERENCE MEETING MINUTES

Pursuant to Governor Gavin Newsom's Executive Order [N-29-20](#), issued on March 17, 2020, the Veterinary Medical Board (Board) met via teleconference/WebEx Events with no physical public locations on **Thursday, January 28, and Friday, January 29, 2021.**

9:00 a.m., Thursday, January 28, 2021

1. Call to Order/Roll Call/Establishment of a Quorum

Dr. Mark Nunez called the Board meeting to order at 9:03 a.m. Executive Officer Jessica Siefertman called roll; six members of the Board were present, and a quorum was established. Dr. Christina Bradbury was absent. Dr. Jaymie Noland joined the meeting at 9:14 a.m.

Board Members Present

Mark Nunez, Doctor of Veterinary Medicine (DVM), President
Kathy Bowler, Public Member, Vice President
Jennifer Loreda, Registered Veterinary Technician (RVT)
Jaymie Noland, DVM (*arrived at 9:14 a.m.*)
Dianne Prado, Public Member
Maria Preciosa S. Solacito, DVM
Alana Yanez, Public Member

Staff Present

Jessica Siefertman, Executive Officer
Timothy Rodda, Administration/Licensing Manager
Patty Rodriguez, Inspection Program Manager
Rob Stephanopoulos, Enforcement Manager
Melissa Caudillo, Licensing Technician
Cheryl Douglas, Enforcement Analyst
Kellie Flores, Licensing Unit Lead Analyst
Christopher Garlington, Enforcement Analyst
Virginia Gerard, Probation Monitor
Lori Kent, Hospital Inspection Analyst
Amber Kruse, Enforcement Analyst
Terry Perry, Enforcement Technician
Kim Phillips-Francis, Enforcement Technician
Justin Sotelo, Lead Administrative & Policy Analyst
Karen Halbo, Regulatory Counsel, Department of Consumer Affairs (DCA)
Tara Welch, Board Counsel, DCA

Guests Present

Michelle Angus, DCA, Legal Affairs Division
Amanda Arrington, The Humane Society of the United States, Pets for Life (HSUS PFL)
Karen Atlas, PT, MPT, President, California Association of Animal Physical Therapists (CAAPT)
/ Animal Physical Therapy Coalition (APTC)
G.V. Ayers, Lobbyist, Gentle Rivers Consulting, LLC

Daniel Baxter, California Veterinary Medical Association (CVMA)
Deirdre Boling-Lewis, Chewy
Jordan Bourque
Steve Boyer, DVM
Elizabeth Coronel, Moderator, DCA, SOLID
Brian Cronin, Chief of Animal Care and Control, San Bernardino County
Nancy Ehrlich, RVT, California Registered Veterinary Technicians Association (CaRVTA)
Gail Golab, PhD, DVM, American Veterinary Medical Association (AVMA)
Nancy Grittmann, Director of Program Services, American Association of Veterinary State Boards (AAVSB)
Jason Grubb
Nancy Halpern, DVM, Partner, Fox Rothschild LLP
Warren Hess, DVM, AVMA
Carrie Holmes, Deputy Director of Board and Bureau Relations, DCA
Anita Levy Hudson, RVT, CaRVTA
Tom Jurach, Co-Moderator, DCA, SOLID
Brandy Kuentzel, General Counsel, San Francisco Society for the Prevention of Cruelty to Animals (SF SPCA)
Bonnie Lutz, Esq., Klinedinst
Kendall MacGregor, Animal Policy Group (APG)
Grant Miller, DVM, CVMA
Tracy Montez, Chief, DCA, Division of Programs and Policy Review
Eleonore Mueller, Chewy
John Papp, San Bernardino County
John Pascoe, DVM, University of California, Davis
Kristi Pawlowski, RVT, Board Multidisciplinary Advisory Committee (MDC)
Ken Pawlowski, DVM, Insight Veterinary Wellness Center
Jamie Peyton, DVM, MDC
Susan Riggs, Senior Director of State Legislation, American Society for the Prevention of Cruelty to Animals (ASPCA)
Maria Salazar Sperber, JD
Jennifer Scarlett, SF SPCA
Jessica Simpson, HSUS
Richard Sullivan, DVM, MDC
Lori Teller, DVM, Texas A&M University
Jena Valdez, DVM, SF SPCA
Cesar Victoria, Television Specialist, DCA, Office of Public Affairs (OPA)
Bruce Wagman, SF SPCA
Sarah Wallace, Assistant Executive Officer, Dental Board of California
Cheryl Waterhouse, DVM, Waterhouse Animal Hospital
Windi Wojdak, RVT, The Fund for Animals
Della Yee, CVMA
Jessica Znidarsic, AAVSB

Dr. Nunez thanked Board members and staff for all of their work in 2020. He acknowledged all who were affected adversely in 2020 due to the pandemic and offered his sympathy. He welcomed all guests to the meeting and thanked them for attending.

2. Public Comment on Items Not on the Agenda

There were no public comments.

3. Review and Approval of Board Meeting Minutes

A. October 22-23, 2020

The Board reviewed the October 22-23, 2020 meeting minutes.

- Ms. Kathy Bowler moved and Ms. Jennifer Loredo seconded the motion to approve the October 22-23, 2020 meeting minutes. The motion carried 5-0-1, with Ms. Alana Yanez abstaining. (Dr. Jaymie Noland was not present for the vote).

There were no public comments made on the motion.

4. Report and Update from Department of Consumer Affairs (DCA)

Carrie Holmes, DCA Deputy Director of Board and Bureau Relations, thanked the Board for allowing her to provide a DCA update. She stated that COVID-19 has affected every aspect of DCA's work. She added that in response to public health guidance and state and regional stay at home orders, state offices closed to the public beginning December 7, 2020. However, she stated that on January 25, 2021, the California Department of Public Health lifted the regional stay at home orders statewide, and that counties would be returning to following the restrictions of the Blueprint for a Safer Economy. Ms. Holmes added that with the lifting of orders, DCA programs would be reopening closed offices and re-establishing all services no later than February 1, 2021. However, she stated that the Administration was still asking that at least 75 percent of employees telework and that programs should continue that approach to the extent possible. She added that maximizing telework will help reduce COVID-19 transmission for all employees. Ms. Holmes thanked Ms. Siefertman and Board staff for working so hard to maintain excellent customer service and protecting the public throughout these challenges.

Ms. Holmes next reported that on February 2, 2021, DCA would be launching its brand new training for board presidents and vice presidents. She explained that during the two-hour session, they would be exploring the role and duties of the president. She stated that the training is designed to give new presidents the tools they need to effectively run a meeting, work with their board members, and partner with the executive officer. She added that it would also help experienced presidents and vice presidents refine their leadership. She also added that former Board President, Cheryl Waterhouse, DVM, would be featured on the past presidents panel.

Ms. Holmes also reported that Board and Bureau Relations, in partnership with SOLID training, had developed a brand new board member orientation training (BMOT). She stated that the first training would be held via WebEx on March 11, 2021. She reminded members that newly appointed and re-appointed members are required to take BMOT within one year of their appointment. She added that members can register for BMOT or find more details on the DCA Board Member Resource Center located on DCA's website.

Ms. Holmes also reminded members that 2021 was a mandatory sexual harassment prevention training year. She stated that all employees and board members are required to complete the training this year.

Ms. Holmes also reminded members that Form 700 filings were due by April 1, 2021. She stated that any questions about filing could be directed to DCA's conflict of interest filing officer, Jill Johnson.

Finally, Ms. Holmes shared that there were two initiatives launched by DCA Director Kim Kirchmeyer for 2021 to enhance DCA's services to all boards and bureaus. She stated that the first initiative was an executive officer and bureau chief cabinet, which will maintain regular communication, provide feedback and information to DCA, and assist with special projects that affect boards and bureaus. She added that the second initiative was the Enlightened Licensing Project, which is a work group being formed that will utilize licensing subject matter experts within the entire DCA to help individual boards and bureaus streamline and make their licensing processes more effective and efficient. Ms. Holmes stated that Ms. Sieferman was involved with both projects and that DCA was very appreciative of her leadership, expertise, and willingness to step up and help all boards and bureaus succeed. She added that DCA would keep the Board updated on these initiatives.

Ms. Holmes concluded her report and stated that Board and Bureau Relations was available to assist the Board, if necessary.

There were no public comments made on this item.

5. [Review, Discussion, and Possible Action on Multidisciplinary Advisory Committee \(MDC\) Report – Kristi Pawlowski, RVT, Chair, MDC](#)

Dr. Nunez asked MDC Chair Kristi Pawlowski to present the MDC Report.

A. [Recommendation to Withdraw Proposal to Amend California Code of Regulations \(CCR\), Title 16, Division 20, Article 4, Section 2035, Duties of a Supervising Veterinarian](#)

Ms. Pawlowski provided some background on the regulatory proposal and explained that the MDC had some wording issues while working on the proposal. She added that when the proposal went forward through the rulemaking review process, there were even more questions or issues. She stated that, ultimately, it was determined that the proposal would create more confusion and was not necessary for consumer protection, so the MDC recommended withdrawing the rulemaking.

Ms. Sieferman also explained that the intent of the proposed language under subsection (d) was actually already covered under subsection (a), so the proposed language would not necessarily help the Board in terms of enforcement. She added that the Board's Deputy Attorney General liaison stated that the proposed language would be more difficult to enforce.

Ms. Bowler stated that despite the length of the review and approval process with regulations, it is important that concerns or clarity issues be raised. She added that she appreciated what the MDC did with this item.

Ms. Pawlowski stated that this was ultimately the best outcome.

- Dr. Jaymie Noland moved and Ms. Kathy Bowler seconded a motion to withdraw the previously approved rulemaking package amending CCR, title 16, section 2035, Duties

of a Supervising Veterinarian, as the proposed amendments are not necessary for consumer protection. The motion carried 7-0.

There were no public comments made on the motion.

B. Overview of January 27, 2021 MDC Meeting

Ms. Pawlowski reported on the January 27, 2021 MDC meeting and stated that it was a very productive meeting.

Regarding the RVT Foreign Graduate Review Program, Ms. Pawlowski stated that the MDC received a very detailed presentation from Nancy Grittmann, Director of Program Services at AAVSB. She reported that AAVSB's PAVE for Veterinary Technicians Committee had finalized their pathway standards and policies for the program, and they hope to have California participate. She further explained that they evaluate the education equivalence of international veterinary technician graduates to ensure qualifications and experience are equivalent to AVMA-CVTEA [Committee on Veterinary Technician Education and Activities] and CVMA accredited programs. She added that they review required documentation, including official transcripts and course content, and identify any gaps in curriculum. She stated that AAVSB will send candidates a certificate upon completion of reviewing all documents. She added that the program would launch this year and that it is anticipated that California would begin participating in January 2022. Ms. Pawlowski stated that the MDC recommends that the Board move forward with the AAVSB PAVE for Veterinary Technicians Program, as proof of equivalent education, and that the MDC would be submitting a legislative proposal to the Board.

Dr. Nunez asked if they were aware of how many foreign-trained RVTs there might be. Ms. Pawlowski responded that they did not know, but that the MDC heard from a couple of individuals, and that she felt the number may be higher than expected.

Dr. Maria Preciosa S. Solacito asked if veterinarian foreign graduates would be able to utilize this program to receive an RVT license. Ms. Pawlowski responded that her assumption was that they would be able to, as long as their skills and education met the requirements; however, she indicated that Ms. Grittmann could confirm.

Ms. Grittmann clarified that their committee has not had that discussion regarding veterinarian graduates, as the focus has been on international veterinary technicians. She also added that there are some states in the U.S. that allow exceptions for international veterinarians to take the Veterinary Technician National Exam (VTNE). She stated that the program, at this time, is not designed around international veterinarians; however, she would be happy to bring the issue back to her committee for discussion.

Dr. Nunez asked if the current legislative proposal would need to be modified to accommodate international veterinarians. Ms. Siefertman responded that staff could research that issue further, as the proposal would be presented to the Board for consideration in April 2021. Ms. Grittmann added that the issue could be discussed at their committee's February 2021 meeting.

Regarding premises registration fees, Ms. Pawlowski reported that their subcommittee researched multiple methods of gathering data to determine if a tiered approach to premises registration fees would be a viable option to offsetting the revenue generated by the RVT fee increase. She added that it has been understood that raising the full one million dollars generated by the RVT fee increase was unlikely; however, the subcommittee and MDC

attempted to review ways of generating the most revenue. She stated that after attempting a survey, online research, and discussing a phone tree, the MDC has determined that more information is required. She explained that to gather more information via the premises renewal application process, the MDC would ask the Board to pursue a regulatory amendment. However, she stated that since this takes time, the MDC is recommending reducing RVT fees to \$225, which would require the Board to generate \$623,625, annually. She added that the MDC has presented three options for generating that revenue; however, their strongest recommendation was with Option B. She explained that the biggest increase would be given to the premises holder, as they feel premises can handle more of an increase than an individual. Ms. Sieferman shared the document to the Board members, which displayed the three proposed options.

Ms. Bowler asked about identifying how many veterinarians are within a premises. Ms. Pawlowski responded that that is the information they would like to gather, but it would require the regulatory amendment discussed previously. She explained that on the renewal application, they would like to ask premises how many full-time equivalent veterinarians they have in their practice. She also explained that after this information is collected, the Board could then consider a tiered fee structure for premises.

Ms. Bowler stated that this recommendation was essentially an intermediate step. Ms. Pawlowski concurred and explained that this was a fix to reduce RVT fees now while more information is being gathered.

Dr. Nunez asked if the goal was to reduce RVT fees further in the future. Ms. Pawlowski stated that was the goal, but that they would not know if that is possible until more information is gathered.

Jennifer Loreda, RVT, stated that she was still not happy with the proposed RVT fee; however, she concurred that this is a temporary reduction until more information is known. She reminded members that RVT fees went from \$160 to \$350. She added that this would be more of a quick solution until the Board can do better.

Ms. Pawlowski again stated that the goal would be to reduce RVT fees further, if adequate revenue could be generated from the premises registration fees; however, she also reminded members that the Board would have to consider the status of its budget in the future should circumstances be different.

Dr. Noland asked Ms. Sieferman if there were other places in the budget where the Board could have cost savings, so that the burden is not shifted onto other licensees.

Ms. Sieferman stated that the Board has seen a lot of cost savings in the last fiscal year, mainly due to COVID-19. She explained that boards were required to come up with a five percent reduction, that all state employee salaries were reduced by ten percent, and that the Board was required to loan \$321,000 to the General Fund this fiscal year. She added that the Board continues to monitor its budget and look for cost savings whenever possible.

Dr. Noland asked what would happen if the Board began to see a surplus. Ms. Sieferman responded that the Board would reduce fees.

Dr. Nunez asked if there had been a decrease in RVT applications and renewals because of the increased fees. Ms. Sieferman responded that staff has not seen any evidence of a decrease.

Dr. Noland stated that with the potential elimination of the California State Board Examination (CSBE), there could be an influx of veterinarians. She asked if anything could be anticipated with regard to how that would impact the budget. Ms. Sieferman responded that it would be difficult to predict exactly; however, staff will continue to closely monitor the changes that occur as a result of the CSBE being eliminated.

Dr. Nunez noted that the Board saw an increase in RVT applications after the state examination was eliminated, so it was reasonable to believe that there may be an increase in veterinarian applications if the CSBE is eliminated.

Dr. Noland also noted that the proposed fee increase options appeared to increase renewal fees more aggressively than initial application and license fees. Ms. Sieferman explained that renewal fees generate more revenue due to the volume. Dr. Nunez also mentioned that raising the initial application and license fees could have an impact on recent graduates. Dr. Noland concurred.

Ms. Pawlowski stated that she understood the concerns, and that while there are single-veterinarian practices, the goal is to prevent individuals from being impacted by fee increases.

Dr. Noland asked why the MDC preferred Option B out of the three options. Ms. Pawlowski stated that they were open to input from the Board; however, they were leaning towards Option B because they preferred to put more of the burden on the premises.

Ms. Sieferman reminded members that this item and the details could be further discussed at the April 2021 meeting. She also reminded members that they need to look beyond specific fees and the work or processing associated with that fee; all fees, in general, should be looked at collectively and how they can support all Board operations. She also added that a considerable amount of time was spent considering different combinations of fees, but that the three options before the Board appeared to be the best options; however, Ms. Sieferman indicated that she was open to additional feedback from members, if they wished to consider other combinations.

Regarding the Complaint Process Audit Subcommittee, Ms. Pawlowski explained that they moved on to utilizing a new electronic audit template. She explained that this allows the subcommittee to give feedback to the expert witnesses, who have been happy to receive feedback. She also stated that the subcommittee is identifying bottlenecks in the process, assessing whether biased language is being used, and also assessing where experts have identified standards of care. She added that the new process is much more efficient and meeting the goals of the subcommittee. She also added that another goal of this process was to find ways for the Board to save money.

Regarding telemedicine and prescription refills, Ms. Pawlowski reported that the MDC received a very helpful and informative presentation from The College of Veterinarians of Ontario (CVO). She stated that Ontario has 5,300 veterinarians, and CVO receives only between 200 and 250 complaints annually. She reported that CVO began their discussions on telemedicine in 2012 due to an access issue in rural areas. She stated that in 2016, they determined that a veterinarian-client-patient relationship (VCPR) could not be established at a distance, but that changed in 2018. She added that their prescribing laws are a little inconsistent with the VCPR and telemedicine.

Ms. Pawlowski reported that the Telemedicine Subcommittee has looked at many issues regarding telemedicine. She stated that, as the law is currently written, telemedicine can be practiced. She added that through numerous discussions and examples given to the subcommittee, the answer often was that telemedicine could be practiced in that instance. She added that there is a lack of understanding of existing law. She also added that removing the condition-specific language as a reaction to the pandemic will not resolve bigger issues being brought to the MDC.

Ms. Pawlowski stated that AVMA's VCPR clearly states it cannot be established solely through telemedicine. She added that many states model their language after AVMA. She also mentioned that California is not alone, as it has been stated.

Ms. Pawlowski stated that the MDC acknowledges that there may be an access to care issue; however, for multiple reasons, the MDC found that this issue cannot be resolved through telemedicine. She explained that two studies were discussed regarding telemedicine and access – one dealt with Medicare and digital access, which was published in 2020; and the second one was from the California Department of Education during COVID-19. She stated that the issues discussed in these studies are very real, but are beyond the scope of the MDC or Board. She added that the purview of the Board is to remove obstacles for a veterinarian getting licensed in the state of California; and, increasing the number of veterinarians will improve access and that removing the condition specific language of the VCPR will not. Therefore, she stated that the MDC made a recommendation to maintain the existing VCPR condition-specific language.

Ms. Pawlowski also indicated that the MDC would like direction from the Board in terms of defining more clearly the terms telemedicine, telehealth, teletriage, and teleconsultation and potentially creating a separate section of law for these terms, for clarity. Dr. Nunez stated that he felt this was a reasonable request from the MDC. He agreed that these terms could be more clearly defined in the practice act. Ms. Pawlowski also mentioned that telemedicine is defined in the practice act; however, it could be clarified further for the profession.

Ms. Yanez stated that access to veterinary care is a huge problem, and a lot of it is due to systemic racism. She added that if more veterinarians come into the field, they are not necessarily going to serve in low-income communities. She, therefore, asked how incentives can be created to get veterinarians into those communities. She stated that it would be great if the Board could explore other avenues that address access to care. She explained that if there was more teleconsultation, Pets for Life would probably go door-to-door and set up laptops for clients to call their veterinarian. Ms. Pawlowski stated that teleconsultation is usually defined as doctor-to-doctor communication, and that the term came up as a result of the CVO presentation.

Dr. Nunez stated that another issue to consider is the Board's jurisdiction.

Ms. Yanez stated that she would like to see the Board examine anything that would open up the ability to have more virtual options. She stated that Pets for Life works in predominantly low-income communities where people, often times, do not have cars, they may not speak English, and getting to a veterinarian clinic is a big challenge. She added that if the veterinarian sees the animal via Skype or Zoom and determines that they need to see the animal in person, then the animal would then be transported in by Pets for Life. However, she stated that the fact that the VCPR cannot be established remotely makes things very difficult and costly.

Ms. Yanez also added that there are incentives for lawyers and dental students to practice in low-income areas. She asked if there were similar incentives for veterinarians. Dr. Noland responded that those types of incentives exist on the federal level, and that students can apply for a loan forgiveness program if they agree to serve in designated areas. She also stated that she agreed with Ms. Yanez and that options could be explored.

Ms. Bowler stated that Ms. Yanez had some great suggestions, but that she believed these options may need to come from the Legislature. Ms. Yanez asked if the Board could convey to the Legislature that these are things the Board would like to explore.

Dr. Solacito suggested that perhaps a task force could further explore potential actions or next steps, after the Board defines the terms identified by the MDC. Dr. Nunez asked if the Board was comfortable having the Telemedicine Subcommittee address the issue of access or if a separate task force would be necessary. He then suggested that the MDC be directed to establish definitions for the terms identified.

Dr. Nunez asked Ms. Pawlowski if the subcommittee was addressing the issue of access or if it should be addressed separately. Ms. Pawlowski responded that the MDC had not specifically been assigned the task of addressing access to care; however, the issue had been discussed. She added that addressing the definitions and the topic of access to care could be handled together.

Ms. Loreda stated that, like with shelter medicine access, this is an important issue, but that it is outside of the purview of the Board. She suggested that the Board could perhaps reach out to an outside organization for assistance. Ms. Pawlowski stated that she does not deny that there is an access issue; however, this is not an issue that the Board can tackle. She added that the Board's responsibility is to get veterinarians and RVTs licensed and that does not mean that the Board can increase accessibility and make licensees work somewhere.

Dianne Prado stated that, as Board members, they are there to protect the consumer, and part of protecting the consumer is being able to provide access to veterinary care. She added that it is nice that the MDC recognizes that there is an access to care issue; however, there clearly is an issue. She also stated that the Board cannot ignore that there is a greater impact on low-income communities. She stated that it is nice that it has been realized that veterinarians can practice telemedicine; however, the remaining restrictions do not fix the access issue. She again stated that the Board cannot ignore that low-income populations are affected disproportionately. She added that the Board's job is more than licensing veterinarians; the Board is also there to protect the consumer, and those consumers are also low-income individuals and people of color. She stated that she would be in favor of discussing the access to care issue further at a future Board meeting or to appoint a task force to discuss the issue further.

Ms. Yanez also added that, many times, the veterinarians who provide services in low income communities are on probation, so these communities may not be receiving adequate veterinary care. She stated that the Board also needs to find a way to get quality care to these consumers.

Dr. Nunez stated that Ms. Pawlowski should now have a clear understanding of what the Board would like the MDC to address.

Dr. Solacito asked if the MDC should address the definition of access to care. Ms. Pawlowski indicated that they would address that now that they have direction from the Board.

Dr. Noland stated that, after hearing the CVO presentation, she would suggest that technology experts be consulted with.

The Board received public comment. Susan Riggs, ASPCA, stated that her organization has been very engaged and keenly watching the Board activities around this issue. She added that they really appreciate the dialogue and offer their assistance to the Board in providing data, expertise, etc.

Dr. Warren Hess, AVMA, stated that he has been involved with the telemedicine issue for several years at the AVMA level, as well as with discussions about the model veterinary practice act. He thanked the Board for the discussion it has had on this issue. He stated that the topic of telemedicine can be more confusing than expected. He added that AVMA continues to advocate that a VCPR not be established solely by means of telemedicine; however, they are also very concerned about the access to care issues. He stated that in addition to state VCPRs, there is also a federal definition of the VCPR. Dr. Hess added that there is a potential for causing confusion if the state VCPRs differ from the federal definition. He also added that there is no indication that the federal definition will change any time soon. He stated that AVMA was available to assist the Board at any time.

Daniel Baxter, CVMA, stated that he appreciated the Board discussing this important issue. He indicated that CVMA submitted a letter to the Board on January 25, 2021, stating their position on this issue, and they supported the recommendation put before the Board by the MDC. He stated that recently, at the CVMA level, dozens of veterinary experts convened and discussed this issue at length; and, after significant review and reflection, they reached a consensus that a permanent expansion of what is being proposed by stakeholders is not harmonious with best patient care and best client interaction. Again, he stated that CVMA supports the recommendation of the MDC.

Dr. Nunez thanked Ms. Pawlowski for her report.

6. Interviews, Discussion, and Possible Appointment to Fill Vacant MDC Public Member Position

The Board conducted an interview to fill the vacant public member position on the MDC. Prior to the meeting, the Board's Executive Committee selected Maria Salazar Sperber, JD, for the Board's consideration.

At the conclusion of the interview, the following motion and appointment was made:

- Dr. Jaymie Noland moved and Ms. Kathy Bowler seconded a motion to appoint Maria Salazar Sperber to the MDC to fill the vacant public member position. The motion carried 7-0.

There were no public comments made on the motion. Ms. Siefertman congratulated Ms. Salazar Sperber on her appointment. Ms. Salazar Sperber stated that she looked forward to serving on the MDC.

7. Presentation from American Association of Veterinary State Boards (AAVSB) Regarding Registry of Approved Continuing Education (RACE) Program and New RACEtrack System – Jessica Znidarsic, AAVSB

Jessica Znidarsic, AAVSB, thanked the Board for allowing her to present and thanked members who serve on the various committees of the AAVSB. She stated that she would be presenting the new RACEtrack system and Member Board Suite. She explained that AAVSB was utilizing CE Broker, the world leader in continuing education tracking services, which will help the Board track its licensees' compliance. She added that the RACEtrack suite also allows licensees to ensure their own compliance with Board continuing education (CE) requirements.

Ms. Znidarsic stated that the RACE programs has proven to be an essential part of CE audits, and RACEtrack will make the process even easier. She added that RACEtrack will also allow the Board to stay up-to-date with other licensing boards. She stated that AAVSB is working towards a comprehensive database containing all veterinary licensees' information from graduation to retirement.

Ms. Znidarsic explained that when a board agrees to use the RACEtrack program, they have access to the RACEtrack auditing suite, which makes things easier for a board and its licensees. She stated that the Board had already submitted a list of licensees, which was being processed by AAVSB staff. She added that by using RACEtrack, the Board was helping the AAVSB become a comprehensive database for veterinary boards. Ms. Znidarsic demonstrated the features of the suite and explained how it worked for both member boards and licensees. She also stated that licensees have the option to use a free basic account, a professional account (\$29/yr), or a concierge account (\$99/yr), and she explained the different account types. She added that RACEtrack also allows data privacy and security. She stated that CE Broker will also work with individual boards to ensure that statutorily approved providers' CE can be tracked as well. Ms. Znidarsic stated that licensees can manage multiple state licenses through their RACEtrack account.

Ms. Znidarsic also stated that licensees are not required to upgrade their accounts; they can utilize the free account, if they wish. She also stated that member boards do not pay a fee for the audit functionality.

Ms. Znidarsic discussed how CE providers upload attendance records into the system, and that information is made available to member boards. Therefore, she explained that there is little room for falsification of CE certificates.

Ms. Sieferman announced to members that the Board had recently launched its CE audit program and explained that staff has a method for randomly selecting licensees who will be audited. Dr. Nunez noted that the new system would assist the Board's probation monitor in tracking the unique CE requirements of probationers. Ms. Sieferman concurred that it would assist the Board in differentiating between license renewal CE and CE required for probation.

Dr. Noland asked how long it would take to enter all California licensees into the AAVSB system. Ms. Gritman stated that AAVSB was making progress; however, she pointed out the California file was quite large with 36,000 licensees. She also explained that working with such a large file has been beneficial to AAVSB because it has made them realize what modifications were needed to the system on their end. She added that in the recent week, AAVSB had successfully imported 12,000 records. She stated that they hoped to get all records imported within the next month to month and a half.

Dr. Nunez asked if the Board would increase the percentage of audits after moving over to the new system. Ms. Sieferman explained that the Board does not have to meet a specific percentage requirement; however, it started off with a goal of auditing five percent, which is

fairly uniform with other DCA boards. She added that, looking ahead, the Board may want to require that statutorily approved providers also add CE attendance records directly into the system; and at that point, the Board could potentially do a one hundred percent audit by simply going into the system and verifying.

Ms. Bowler asked if there was an estimate on how long it could take to add statutorily approved providers into the system. Ms. Znidarsic stated that after the initial phase of getting California licensees uploaded and setting up the system, they could then facilitate that discussion with CE Broker to set up that component. She added that CE Broker would have a better timeline once the information was provided to them.

Dr. Noland asked about the status of South Carolina using the system. Ms. Znidarsic stated that South Carolina requires that their licensees use the CE tracking, and that it has been required for approximately one year. Ms. Grittmann added that South Carolina had also utilized CE Broker prior to AAVSB entering into an agreement with CE Broker.

Dr. Nunez asked if the Board needed to take any action on the item at this time. Ms. Siefertman responded that no action was being requested at this time. She added that staff will continue to provide updates, but wanted members to be aware of the AAVSB system and that the Board would start utilizing it. She also added that the Board would work on educating licensees and providers about the system, as well. She stated that once the Board is confident the system will work easily and efficiently for California licensees and providers, then recommendations will be brought before the Board.

The Board received public comment. Dr. Miller stated that CVMA, as a statutorily approved provider, had questions about how the system would work and what their obligations would be to provide information to the Board. He explained that per regulatory requirements, they are currently required to maintain records of CE attendees and issue completion certificates; however, currently, they have no affirmative responsibility to provide that information to the Board. He stated that they were concerned, however, that if there is a new regulatory requirement to input course attendee records into the new system, that would be a significant new burden for their staff and all local veterinary medical associations who utilize volunteer staff. Because of the concern, he indicated that CVMA would like to be actively part of that discussion.

Ms. Bowler shared that AAVSB has invested heavily in research to make sure that their programs and systems are extremely secure and that she felt they did a very good job in that regard.

Dr. Nunez thanked everyone who participated in the presentation.

8. Update, Discussion, and Possible Action on Proposed Legislation and Regulatory Amendments Regarding Elimination of California State Board Examination (CSBE) and Temporary Licensee Requirements

Dr. Nunez stated that the Board had appointed a workgroup at its last meeting to address this item. He asked Ms. Siefertman to provide an update.

Ms. Siefertman stated that the Board voted to eliminate the CSBE as a requirement for veterinarian licensure after hearing the presentation by the Office of Professional Examination Services. She added that the presentation addressed how the CSBE was redundant when

comparing it to the national examination [NAVLE]. She explained that by eliminating the CSBE, there would be a number of statutes and regulations that would be impacted, and there was a need to identify those changes quickly. She stated that Drs. Noland and Bradbury, as well as Dr. Miller and Mr. Baxter, assisted with that effort and thanked them for their assistance.

Ms. Sieferman stated that she would address the main topics that were discussed in the cover memo, and she would then address any questions that members may have. She added that with the legislative proposal provided, she included comments that explained the rationale for each proposed amendment.

Ms. Sieferman reported the workgroup had a couple of meetings, and there was a lot of email correspondence in between. She stated that they identified a total of 29 statutes and regulations that were impacted. She added they recommended that four statutes be amended, five be repealed, and one be added to condense the licensing requirements into one statute. She added they were also recommending that five regulations be amended and fifteen be repealed. She also added her goal was to not have to go through the normal rulemaking process, and that could be achieved by making the statute cover all of the requirements. She clarified the impacted regulations could then be struck via a section 100 rulemaking action.

Ms. Sieferman explained the biggest impact was to out-of-state licensees. She stated the 2,944 hours of clinical practice and California curriculum requirements would go away. She explained that because the reciprocity pathway would essentially go away, since it was in lieu of taking the CSBE, all of the other requirements also would go away. She stated all out-of-state applicants would just be applying like all other applicants.

Ms. Sieferman also explained that with the elimination of the reciprocity requirements, the Board would need to decide on how to address the language in CCR section 2015, which would require that the national examination and law examination be passed within five years of each other.

Dr. Nunez stated he would not be opposed to waiving the national examination requirement if an out-of-state applicant was in good standing and had completed CE equivalent to what is required in California. He stated he was also in support of requiring the applicant to have been employed full-time within the last three years.

Ms. Loreda stated that she questioned requiring full-time practice because an individual could have been impacted by an illness, or perhaps they could have been working part-time and pursuing education.

Ms. Bowler asked about the requirements of other healing arts boards. Ms. Sieferman explained that, similar to state veterinary licensing boards, the healing arts boards requirements differ across the board; some require that the national examination be taken within a certain timeframe, and some accept CE that is equivalent to current requirements.

Dr. Nunez stated he believed California veterinarians are practicing high quality medicine because of the CE requirements. Therefore, he added that as long as out-of-state veterinarians have taken equivalent CE, that would compensate for passing the national examination five years ago.

Ms. Sieferman asked the Board members how they would like to proceed – to have legislation to completely supersede the time limit requirement and accept the national examination,

regardless of when it was taken; to proceed with a legislative change that establishes a specific time limit with regard to the examination; or to accept CE that is equivalent to California requirements.

Next, Ms. Sieferman shared draft legislative options for the Board's consideration. She explained that option one would require retaking the NAVLE or providing equivalent CE for the current and prior year. She stated that option two would completely remove the time limitation on the NAVLE.

Ms. Welch also stated that because the Board would be removing the CSBE, it would also be removing the 2,944 hours of recent practice of veterinary medicine. She explained the issue has come up with respect to foreign veterinarian applicants who may be licensed in another state, but have been practicing veterinary medicine in a foreign country, not Canada, for perhaps the past ten years. She stated those applicants may not have recent experience practicing veterinary medicine under minimum standards that California would normally recognize. Dr. Nunez stated he would like to see applicants have passed the NAVLE within five years; if they have not, they have been practicing in another state and have completed CE equivalent to what is required in California.

Dr. Noland indicated she had given this issue a lot of thought, and it is important the Board not make the matter too complicated to where it becomes another barrier for access. She added that when the Board was presented with data regarding the CSBE, it was explained the state examination was very similar to the national examination for at least the last ten years. She, therefore, stated she believed five years was an extremely tight timeframe. She also stated that from a consumer protection standpoint, the Board could consider requiring a CE audit after the first two years of licensure; in other words, the Board would automatically audit any new California licensees from out-of-state. She explained that instead of making the initial licensing process too complicated, applicants could be given a two-year grace period to address the CE. She also added that if there were any complaints during that time, the Board could pursue action because the individuals hold a license. She explained every applicant has a very different scenario, and perhaps the matter could be looked at from a different standpoint. She added perhaps an individual could have taken the NAVLE within the last ten years and was practicing in another state; then they could be given a two-year period to address the CE requirements. Additionally, she explained the Board would still have the ability to protect consumers.

Dr. Nunez asked Dr. Noland if her concerns would be satisfied if there was no time limitation on taking and passing the NAVLE. She indicated she would be fine with that. Dr. Nunez stated he would be in support of this option.

Ms. Welch also clarified the current proposal before the Board did not have any recent practice requirements for out-of-state or out-of-country veterinarians seeking licensure in California. She clarified that by removing the CSBE, it also removed the recent clinical practice requirement. She added the proposal before the Board would require recent veterinarian graduates, and out-of-state or out-of-country applicants, take and pass the NAVLE and state law examination. She also added the Board would have no measure on whether applicants are up to speed on minimum standards, which is why there was an additional proposal to require equivalent CE if the NAVLE had not been taken within the last five years.

Dr. Nunez stated that as a regulatory body, the Board must ensure a veterinarian is qualified to practice unsupervised. He explained that if an individual has recently graduated and has passed the NAVLE, information is fresh in their mind, so they can practice unsupervised. He added that

if an individual took the NAVLE several years ago, it is important to see an individual has practiced and has recent CE hours. He explained that if those two standards are met, he felt the Board would be doing its job as a regulatory body. Dr. Noland responded she did not believe taking CE was any sort of guarantee a practitioner is maintaining their minimum standards of practice. She added an individual practicing at least half time over the last three years and not having any disciplinary action is just as credible a measurement as some CE hours.

The Board received public comment. Dr. Miller pointed out that if the Board required a CE audit after the first two years of licensure, it would need to amend the statute because currently, licensees are not subject to the CE requirement during their first renewal cycle. He added that the requirement was largely put in place for students. He also added the Board currently has the authority to audit all licensees, so there does not need to be something in statute that says new licensees will be audited. He also added requiring CE for recent graduates might adversely affect them, as they may not initially have extra money to complete CE and are trying to get ahead with their student loans.

Dr. Miller also acknowledged that the point being discussed was a challenging issue and after working with the workgroup, it came down to the Board would just have to make a decision. He also acknowledged the other jurisdictions are all over the board, and the Board would just have to decide.

Dr. Noland responded recent graduates may initially have financial challenges; however, they are on a steep learning curve and may need CE just as much as other licensees. She also added there are now more CE options that are less expensive, and COVID-19 has increased the availability of CE online.

Ms. Welch acknowledged the Board was trying to come up with various ways for an applicant to satisfy the requirement, if the NAVLE was taken over a certain period of time ago. She stated there may be more than just two ways for individuals to meet the NAVLE requirement: one, they can retake and pass the NAVLE, if they took it over five years ago; two, they can submit proof of two years of practice in clinical veterinary medicine within the last three years, which is in existing law. However, she pointed out the Board has had foreign applicants who have had an out-of-state license, but practiced overseas. She added the Board has already requested, through Sunset Review, the Legislature clarify this reciprocity provision – she asked whether the clinical practice has to be in another state or Canada, or would the Board accept clinical practice from another country. Dr. Nunez stated he felt the clinical practice experience needed to be in another state or Canadian province. Ms. Welch stated the third option to satisfy the NAVLE requirement, if it was taken over five years ago, was to complete CE.

With regard to the clinical practice option, members agreed on applicants submitting proof of practicing clinical veterinary medicine for a minimum of two years and completion of a minimum 2,500 hours of clinical practice completed in another state, Canadian province, or U.S. territory within the last three years.

Ms. Siefertman stated the next section impacted was the temporary license requirement. She explained the Board has the temporary license mainly because the California curriculum is only offered twice a year. She stated that since the reciprocity pathway is going away, that eliminates the need for the California curriculum, so there is no need for the temporary license. She, therefore, stated they were recommending striking and eliminating the temporary license. She also added that because interns would already meet the requirements for obtaining a license

through the normal process, they were recommending striking sections that apply to temporary licensees, and to individuals participating in the intern/residency programs, as well.

For university licensees, Ms. Sieferman stated they were recommending striking the California curriculum requirement. She added the deans of the schools were in support of eliminating the requirement. Ms. Sieferman also explained that any remaining requirements would be consolidated into one statute to make the requirements more clear.

Next, Ms. Sieferman explained the Board could seek an urgency clause for these legislative changes; however, the Board would need to demonstrate the proposal is necessary for the immediate preservation of the public peace, health, or safety. She stated that due to COVID-19, this may be challenging; however, if not possible, the Board could pursue this proposal via its Sunset bill.

Ms. Sieferman further explained the way the work group wrote the legislative proposals would allow the Board to pursue a Section 100 regulatory filing, which would amend five regulations and repeal 15.

- Dr. Mark Nunez moved and Dr. Jaymie Noland seconded a motion to approve the legislative proposal recommended by the CSBE workgroup, with the additional proposed changes to Business and Professions Code section 4846. The motion carried 6-0. Ms. Dianne Prado did not provide a vote for this motion.
- Dr. Jaymie Noland moved and Ms. Kathy Bowler seconded a motion to approve and pursue a regulatory proposal recommended by the CSBE workgroup once the aforementioned legislative proposal takes effect and direct the Executive Officer to take all steps necessary to initiate the section 100 rulemaking process, make any technical or non-substantive changes to the rulemaking package, and adopt the proposed regulatory changes. The motion carried 7-0.

There were no public comments made on the motions. Dr. Noland thanked the members of the work group and staff for all of their work on this item.

9. [*Update, Discussion, and Possible Action Regarding DCA Director Waivers of CCR, Title 16, Division 20, Article 4, Section 2032.1, Telemedicine and Time to Refill Prescriptions](#)

Ms. Sieferman stated this item pertained to the discussion of extending the existing DCA waiver orders related to telemedicine and time to refill prescriptions. She noted that at the start of the pandemic, the Board had approved requesting these waivers and agreed to have them extend until December 2020. However, she stated the State of Emergency is still in place, and they do not know how much longer it will be in place. She explained the Board's Executive Committee had requested the DCA Director extend the waivers for another 60 days. However, she stated it was now up to the Board to decide what to request from the Director. She added the Board could potentially request the waivers stay in place until the end of the State of Emergency.

Dr. Nunez summarized the waivers and stated the Board could request the waivers be extended through the end of the State of Emergency or until the MDC has recommendations, whichever occurs first. He explained the MDC recommendations are in response to DCA's request for the Board to consider whether the waivers be made permanent.

Ms. Sieferman stated the MDC had recently made their recommendations, and those would be presented to the Board in April 2021. She added the Board, at that time, could discuss this issue further and consider the MDC recommendations.

Dr. Nunez stated he felt the waivers should be in place during the pandemic, but they should not be made permanent.

- Ms. Kathy Bowler moved and Dr. Mark Nunez seconded a motion to request the DCA Director to issue extensions and/or authorize the Executive Committee to approve extensions of the two VCPR waivers until the end of the State of Emergency or until the MDC provides final recommendations to the Board, whichever occurs first. The motion carried 7-0.

There were no public comments made on the motion.

10. *Presentation and Discussion on Access to Veterinary Care in California – Representatives from San Francisco Society for the Prevention of Cruelty to Animals (SF SPCA) and Humane Society of the United States, Pets for Life (HSUS PFL)

Brandy Kuentzel, General Counsel for SF SPCA, thanked the Board for the invitation to present and introduced co-presenters Amanda Arrington, HSUS PFL, and Dr. Jena Valdez, SF SPCA. She noted Ms. Arrington was the Senior Director for the PFL program at HSUS, and Dr. Valdez was Director of Community Medicine at SF SPCA. Ms. Kuentzel stated Ms. Arrington and Dr. Valdez would explain from their standpoints as experts why expanding access to veterinary care is essential for protecting both consumers and animals in California.

Ms. Arrington thanked the Board for its time and attention to this important issue. She explained it is important to have context of larger systems of racial and economic injustice because what impacts people impacts pets. She stated people must identify how they have been complicit in or have directly contributed to systems of oppression and discrimination in their work. She added the veterinary profession and animal welfare have a special opportunity to contribute to and effect change in this area.

Ms. Arrington stated poverty is pervasive in the state of California, and socioeconomic status has significant consequence on the ability of people to access veterinary care for their pets. She added poverty is both a rural and urban issue. She explained rural areas have higher rates of poverty; however, 79 percent of Californians live in urban areas. She stated about 13 percent of people in California live in poverty based on the federal poverty line, which is set at around \$25,500 for a family of four, which encompasses about 5.1 million Californians. She stated California has its own state poverty measure, and under that marker, about 18 percent of Californians live in poverty, or about 6.8 million people. She added this equates to one in every six Californians and about 4.7 million households that are in poverty. She also added there are even more people who are hovering over the poverty line, but who are still significantly struggling and are categorized as poor. She, therefore, stated about 35 percent of Californians are deemed poor. She stated California is second in the country for the number of people who are poor behind Washington D.C.

Ms. Arrington stated one cannot talk about poverty without talking about race and ethnicity. She added Latino and Black Californians experience poverty at a much higher rate than white Californians. She explained that these details matter if the profession is to offer services that reach all pet owning audiences and if it desires to make the industry more equitable.

Ms. Arrington stated about 53 percent of households in California own at least one pet, and at least 2.5 million California households in poverty have pets. She explained that when combining that with the fact that California, along with Hawaii and Washington D.C., have the most expensive veterinary care in the country, it becomes pretty clear how essential it is to explore the severe lack of access to veterinary care in California for millions of people and pets.

Ms. Arrington stated the PFL program operates its flagship location in Los Angeles. She explained PFL's work in six zip code areas in Los Angeles, and access to veterinary care in those areas is extremely limited. To date, she stated PFL has served approximately 30,000 pets in that six zip code area and has collected data on every person and pet served. She noted of those 30,000 pets served, 70 percent had never seen a veterinarian before. She stated this is not because people are uninterested in veterinary care, it is because of the myriad of barriers.

Ms. Arrington explained PFL takes seriously that millions of people and pets deserve to be seen and heard, and people should use their positions, power, and privilege to work toward equity and access to veterinary services. She stated they now have enough information that demonstrates human issues are animal issues, and the role of animal welfare can no longer be dismissed. She added the Board, as the entity representing the veterinary profession and tasked with protecting consumers, cannot ignore the issue either.

Dr. Valdez next thanked the Board for the opportunity to talk about the work SF SPCA is doing in San Francisco. She stated her organization is a shelter, but it also operates two full service general practice hospitals, a spay/neuter clinic, a low-cost preventative care clinic, and a free mobile vaccine clinic.

Dr. Valdez stated San Francisco routinely makes the headlines for struggles of people experiencing homelessness, but there is even a larger segment of the population that routinely faces housing and economic issues. She noted approximately ten percent of San Francisco residents live below the poverty line, and that number increases to 13 percent for Latino residents and doubles or triples for Pacific Islander and Black residents.

Dr. Valdez explained it is difficult for her to comprehend that one of the most wealthy and progressive cities in the country has such an access to care issue. She discussed how access to care became her passion through her work as a veterinary student volunteer for an organization called Rural Area Veterinary Services. She also explained her professional work has been focused on finding ways to provide critical services to those who need it most in her community. She added the Community Medicine program establishes a continuum of care in underserved neighborhoods that ranges from pre-vaccines and flea medications to low-cost preventative care and spay/neuter. She added there are sustainable models for providing basic care, and they need to be explored to ensure entire communities are not being left behind. She stated that as a profession, there is an obligation to provide care to all people with animals and meet them where they are financially, culturally, and geographically.

Ms. Kuentzel stated there is a clear correlation between social vulnerability and animal suffering in communities throughout the state. She explained her organization's interest in access to care stems from witnessing animals being surrendered to shelters by owners unable to afford veterinary care. She added barriers to veterinary care extend beyond veterinary shortages and beyond financial means, and they include cultural, language, and geography barriers.

Ms. Kuentzel explained the presenters were present because of the many ways in which California practice issues and regulatory matters perpetuate disparities in care. She added they cannot shy away from clearly and directly acknowledging an unjust reality if they are seriously hopeful to change it. She stated the truth is many California consumers and their animals do not benefit from the minimum standards of care the Board endeavors to maintain. Instead, she explained many consumers receive no care.

Ms. Kuentzel also stated this issue cannot be solved by simply increasing the number of licensed professionals. She explained she was disappointed to have heard at the MDC meeting that the only way to increase access to care is to get more veterinarians. She stated this demonstrates the fundamental lack of understanding at the agency level of the matters at hand.

Ms. Kuentzel also explained a big part of the challenge is addressing the dominant white culture that persists in the veterinary profession that makes it difficult, if not impossible, to open the door to other cultural norms and standards. She added there are many practitioners who believe that people who cannot afford veterinary care for pets simply should not have pets. She also stated many individuals in private practice mistakenly view non-profit and low-cost clinics as unsophisticated, unviable, or even unfair competition.

Ms. Kuentzel also stated if the Board agrees with the MDC letter it received stating that while access to care is important, it does not fall under the purview of the Board, then there exists an abdication of responsibility. She explained one very clear way for the Board to protect consumers and animals in California is for it to expand its own vision and thoughts about who receives veterinary services, not just how. She stated they were asking the Board to establish a formal, timely, and robust effort to broaden access to veterinary care in California. She added that if the Board does not think that this work falls within its scope, then they are also asking the Board to re-examine its mission and what it means to fulfill it. She also added it is now time to acknowledge this is the veterinary profession's social justice issue. She asked the Board to consider SF SPCA, HSUS, Humane Society Veterinary Medical Association, Best Friends Animal Society, San Diego Humane Society, and ASPCA as partners available to the Board on this topic. She thanked the Board for its time.

Dr. Nunez thanked the presenters and acknowledged they presented some very important and relevant issues. He added a lot of the issues were also brought up earlier during the MDC report. He stated he believed a majority of the Board members also feel this is an issue that needs to be addressed; however, how to do so is the challenging part.

Ms. Loredo thanked the speakers for their presentation. She explained the supplemental information provided by the presenters, explaining how pet owners are affected and further demonstrated the magnitude of the issue. She added the notion that people should not own animals if they cannot afford them is arrogant and tone deaf. She stated there is so much work to be done, and the Board may not have the authority or necessary resources; therefore, collaboration with other organizations would be essential.

Ms. Kuentzel stated one of their reasons for being on the call was to clarify whether or not the Board thinks these issues are within its purview. She added that if there is a commitment from the Board to work on these issues, all of the organizations mentioned are available for collaboration and as resources available to the Board.

Ms. Loredo also added it is the Board's vision statement to provide quality access to veterinary care. She explained it is not that the Board does not accept this, but there may be resource

constraints at this time. She added she knows there are Board members who feel very passionately about this issue. She stated she wants to help in any way she can. She also added the Board was already talking about how it can work with other agencies to pool resources and address the issue.

Ms. Yanez thanked the speakers for the presentation and stated she believed this issue was within the Board's ability. She added she felt that it was important for the Board to start a committee to explore what it can do or to get something calendared for the next meeting.

Dr. Nunez stated he was encouraged to see companies like Banfield are paying attention to this issue.

Ms. Bowler asked the presenters if their organizations had approached the Legislature about this issue. Ms. Kuentzel responded the short answer was yes, and explained their organizations are continuously monitoring and weighing in on bills.

Dr. Nunez asked Ms. Kuentzel about her thoughts on access to care versus quality of care. Ms. Kuentzel responded she believed the issues were not mutually exclusive. She stated she believed quality care can be delivered via telemedicine. She added they also believe in the discretion afforded to veterinarians to determine when telemedicine is appropriate and when it is not. She stated there are situations when telemedicine is appropriate and when it is not appropriate. She added that in situations where telemedicine works and works well, they firmly believe it will help expand their reach into communities that have not been historically served.

Ms. Arrington stated it needs to be acknowledged that people getting no veterinary care at all is the worst possible outcome. Ms. Kuentzel stated that was a point that was eloquently raised at the MDC level – receiving no veterinary care versus pet owners relying on misinformation found on the internet. She again stated people need to be met where they are at.

Ms. Prado supported Ms. Yanez's suggestion of forming a committee to further explore the issue of access to veterinary care. Ms. Prado stated she realized this would be giving the Board more work, but she would be willing to be a part of this effort.

Ms. Yanez stated she did not have much faith in what the MDC recommendations would be with regard to this issue, and the Board should create its own committee because it has very capable members on the Board who are familiar with these issues. She added she did not mind shouldering the work in collaboration with the identified organizations, and perhaps some private partners, to come back with some concrete recommendations.

Ms. Arrington stated telemedicine is not the only solution, and the strategy should be multifaceted to address an issue that is decades in the making and deeply embedded in society. She added a committee would nice, so various solutions could be explored.

Ms. Bowler acknowledged there might be some limitations in terms of how many Board members can serve on a committee.

Ms. Kuentzel stated it was encouraging to hear some of the progress made during the discussion, and the issue does rise to the level of importance for the Board. She thanked the Board and indicated the organizations were open to moving forward in whatever manner the Board deemed appropriate.

Bonnie Lutz, Esq., thanked the speakers for the presentation. She indicated she would be willing to be involved with any work on this issue as a non-member.

Dr. Nunez requested that a committee not be formed until a strategy was first considered. He also added he had faith in the MDC's ability.

Ms. Pawlowski explained the MDC had not initially been given direction to look at the issue of access to care, but that direction had now been given to them.

Ms. Bowler stated she was concerned that having a committee of the Board would be more limiting for participation than utilizing the MDC. She explained a committee of the Board would be limited to two members, while the MDC would have broader participation, outreach, and research.

- Ms. Alana Yanez moved and Dr. Maria Preciosa S. Solacito seconded a motion to form a committee of the Board to address the issue of access to veterinary care. The motion carried 4-3, with Ms. Kathy Bowler, Dr. Jaymie Noland, and Dr. Mark Nunez voting no.

There were no public comments made on the motion. Ms. Siefertman clarified more than two Board members can serve on a committee, it would just need to comply with Bagley-Keene open meeting requirements. Dr. Nunez stated he would appoint members to the committee on the following Monday.

11. Update, Discussion, and Possible Action on Proposed Regulations

A. *Status Update on Pending Regulations

Regulatory Counsel Karen Halbo provided a status update on the Board's pending regulations. She indicated the update included changes in the status of rulemaking packages since October 2020. She reported the Board currently has 19 rulemaking packages that are pending the regulatory process. Nine packages are in various stages of the initial or final phase of the process, and the remaining ten packages are pending preparation by Board staff before submission. Ms. Halbo provided a specific update on each package and discussed all steps that had occurred since October 2020.

B. [Section 2006, Article 1, Division 20, Title 16 of the CCR Regarding Disciplinary Guidelines](#)

Ms. Siefertman reported there were concerns raised at the July and October 2020 meetings related to the Board's pending Disciplinary Guidelines. She explained the information in the meeting packet provided solutions to address the issues that were raised.

Ms. Siefertman stated the first issue pertained to the Notice to Employer term, which was unclear whether it applied to relief veterinarians. She explained staff made adjustments to the language to clarify it does apply to relief veterinarians.

She stated the next issue pertained to the Supervision vs. Medical Chart Review term. She explained the provision for "indirect supervision" created confusion, as it conflicted with the definition of "indirect supervision" in regulation. She added staff was recommending a revision to separate Medical Chart Review from Supervised Practice and remove the term "indirect supervision" to eliminate confusion.

Next, Ms. Sieferman explained proposed revisions with regard to supervisor's conclusions, opinions, and patient chart reviews, as well as clarifications that a supervisor shall randomly pick medical records to be reviewed and submit them directly to the Board, not the probationer.

Ms. Sieferman stated there were also proposed revisions to the Supervision Review Log to address concerns and provide clear expectations to the supervisor, probationers, inspectors, and the Board. She also stated there were proposed revisions regarding the volume of medical records required to be reviewed and the frequency in which supervision reports are to be submitted to the Board.

Ms. Sieferman stated the original regulatory proposal was noticed for 45 days, and no public comments were received. However, she explained staff felt these additional modifications to the Disciplinary Guidelines were necessary; therefore, they were requesting the modifications be noticed for a 15-day public comment period.

Dr. Nunez asked if the proposed revisions were a result of a collaborative effort of the enforcement team. Ms. Sieferman concurred, but explained that Probation Monitor Virginia Gerard had identified many of the concerns. Ms. Yanez thanked Ms. Gerard for identifying these issues.

The Board received public comment. Ms. Lutz asked if the proposed changes to the Disciplinary Guidelines would be retroactive for all people who are already on probation. Ms. Sieferman explained there would be no changes to the conditions of probationers who are already on probation. However, she stated, going forward, any clarification issues could be shared with Ms. Lutz so she can help her clients come into compliance.

- Ms. Alana Yanez moved and Dr. Jaymie Noland seconded a motion to approve the proposed modifications to the rulemaking text for a 15-day comment period, and if there are no adverse comments received during that 15-day public comment period, delegate to the Executive Officer the authority to adopt the proposed regulatory changes as modified, and delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file. The motion carried 6-0. (Ms. Kathy Bowler was not present for the vote).

C. *Sections 2038.5, Article 4, Division 20, Title 16 of the CCR Regarding Animal Physical Rehabilitation

Ms. Welch reported that before the Board were proposed responses to comments received on the Modified Text during the 15-day public comment period. She stated the Board received only one public comment letter during the 15-day public comment period from the Animal Physical Therapy Coalition (APTC)/California Association of Animal Physical Therapists. She added the Board also received another letter from APTC on January 26, 2021, and she would address comments in that letter, as well.

Ms. Welch noted pages one through three of the cover memo provided the background on this issue. Beginning on page four of the memo, she summarized the comments raised by APTC. She explained the comments pertained to: indirect supervision in a range setting; veterinarian determination of appropriate supervision over physical therapist and other non-veterinarian providers; telecommunication legislation; animal physical rehabilitation (APR) legislation; and items 3, 5, 7, and a query on "One Health Initiative" in the APTC letter. Ms. Welch reviewed and

summarized the proposed responses to all APTC comments, which provided clarification to issues raised and explanations why comments or recommendations were rejected, how some had been previously addressed, and how some did not address the proposed regulatory language and were therefore outside of the scope of the rulemaking. Additionally, Ms. Welch provided responses to questions and requests for clarification from APTC's January 26, 2021 letter.

Ms. Welch stated the Board was asked to consider and approve proposed responses to written and oral comments received on the APR proposal for inclusion in the Board's final statement of reasons. She added that if the Board agreed with the proposed responses to written and oral comments, it should entertain a motion to approve the responses to written and oral comments for inclusion in the Board's final statement of reasons in support of the APR rulemaking file.

Dr. Nunez noted the Board had looked at and considered this issue for a very long time. He acknowledged that the proposal is not everything that physical therapists want; however, he indicated he was proud of the work that went into this issue and the recommendations that were made. He also added some things are beyond the Board's control. He stated the Board truly recognizes the importance of physical therapy. Dr. Nunez stated Ms. Welch did a good job of addressing comments and the points of opposition. He added he would be in favor of pursuing the proposal, as written, without any changes.

Ms. Bowler thanked Ms. Welch for all of her work on this issue. She indicated she agreed with the proposed responses and felt they were consistent with past Board practices and actions. Ms. Loreda stated she concurred with Ms. Bowler.

Dr. Noland stated she agreed with what everyone had said. She added that in the future, there may be an opportunity to work together with physical therapists, if legislation is passed; however, at this point, she felt the Board was going in the right direction. Dr. Solacito stated she appreciated Ms. Welch's presentation.

The Board received public comment. Karen Atlas, APTC President, indicated that her coalition is comprised of stakeholders who are like minded on the issue of APR. She stated their stakeholders include DVMs, RVTs, physical therapists, and consumers. As a side note, she noted she was very inspired by the presentation by HSUS PFL and SF SPCA, who outlined so clearly the profound access to care issue. She reminded the Board that animal physical therapy and rehabilitation care by qualified physical therapists is also a key access issue.

Ms. Atlas stated she personally had the opportunity to serve on the Board's Animal Rehabilitation Task Force with Dr. Nunez presiding. She noted that on the Task Force, they studied this issue in great detail only for those recommendations related to physical therapists practicing on animals to be rejected by the Board. She stated many things were based on misinformation; she offered to bullet point all of the pieces of misinformation.

Ms. Atlas stated her coalition has taken great strides to try to collaborate with the Board to try to solve this issue that has plagued the state for well over a decade. She added they had Assembly Bill (AB) 3013 introduced in 2018, which passed the first policy committee with zero no votes; however, she stated the Board and CVMA opposed the bill before any fiscal information was discussed. She added all of the things that were in AB 3013 had been vetted by the Task Force, but then unfortunately the bill was held in Appropriations. She stated the bill would have been the necessary step to adequately solve this issue.

Ms. Atlas noted the Board Counsel, in the most recent memo, suggested the Board does not take up issues to change statutes, it only changes and creates regulations. However, she stated past legal counsel Kurt Hepler was very clear during the work of the Task Force they were not to be limited by the framework of the practice act. She added they were told the Board could ask the Legislature for help in order to do so. She asked why the Board wasn't asking the Legislature to help solve this issue, since it was a specific item raised during the Board's Sunset review.

Dr. Miller stated CVMA was in support of the proposed regulations. He noted the regulations have been in the works for a long time, and they reflected countless hours and meetings involving all stakeholders and public comments. He added CVMA would appreciate if the Board could continue to move the proposed regulations along in the process. He acknowledged there is a possibility a legislative process could occur simultaneously; however, the regulations can serve a good purpose now in helping practitioners get closer to understanding the rules around animal physical rehabilitation.

G.V. Ayers, Gentle Rivers Consulting LLC, stated he represented APTC, and the coalition remains opposed to the regulations. He added they believe there is a better way of operating that protects consumers, and that recognizes the skills of veterinary medical professionals and qualified physical therapists. He stated a better solution would be a legislative solution that would allow these professionals to work together in an appropriate fashion. He added they wanted to make sure they reiterated their opposition to the regulations and their invitation to work in a collaborative way with the Board on a legislative solution.

- Ms. Kathy Bowler moved and Dr. Jaymie Noland seconded the motion to approve the responses to written and oral comments on the Modified Text for inclusion in the Board's final statement of reasons in support of the APR rulemaking file. The motion carried 6-0-1, with Dr. Mark Nunez abstaining.

D. Section 2070 and 2071, Article 7, Division 20, Title 16 of the CCR Regarding Board Fees

Mr. Sotelo stated the agenda item was before the Board to consider and approve proposed responses to comments received during the 45-day public comment period, which ended on November 9, 2020, and during the public hearing, which was held on November 10, 2020. He explained the Certificate of Compliance rulemaking package was required in response to the emergency regulations the Board filed in January 2020. He also explained Board staff had filed a request for re-adoption of the emergency regulations to give the Board additional time to finalize the Certificate of Compliance process.

Mr. Sotelo stated that during the 45-day public comment period, the Board received over 50 comments, as well as two requests for a public hearing. He explained the comments received included objections, concerns, and recommendations regarding the proposed regulations. He indicated that with the assistance of Regulatory Counsel and Board Counsel, the responses to public comments were before the Board for consideration and approval to be incorporated into the final statement of reasons and final rulemaking package. He explained the comments had been grouped into categories and summarized within the cover memo.

Ms. Siefertman also added comments received during the original emergency filing 5-day public comment period were reviewed and considered, and the proposed responses were responsive

to those comments, as well. Mr. Sotelo added the proposed responses also were responsive to the comments received during the re-adoption 5-day public comment period.

Dr. Nunez stated that in response to comments made indicating the Board has not been proactive enough with regard to its budget, he felt the budget was in fact foremost on Ms. Sieferman's mind every day, and he had complete confidence in that. He also stated he was proud California has a regulatory body that ensures veterinary professionals offer the best care to their patients. He added the need for a regulatory body to do the best it can is appropriate, and to achieve that goal, funding is needed. He also added with regard to the comments made regarding the impact on RVTs, he felt the Board has been responsive, and the issue has been thoroughly taken into consideration.

Ms. Loreda thanked staff for preparing the proposed responses to comments. She agreed with Dr. Nunez the Board is needed as a regulatory body, but she wanted to make sure the comments explaining the impacts to RVTs were recognized.

The Board received public comment. Nancy Ehrlich, CaRVTA, asked for an explanation as to what the Board was going to do with the Veterinary Assistant Controlled Substances Permit (VACSP) fees. Ms. Sieferman responded there were comments raising the concern the Board was not raising the VACSP fees to their statutory cap in this rulemaking package. However, she explained the application fee for the VACSP is \$50, and the registration fee is \$50; those two fees together cannot exceed the \$100 cap set in statute. She further explained that through the Sunset review process, the Board would be requesting statutory minimums and caps be raised.

Anita Levy Hudson, CaRVTA, thanked the Board for the opportunity to comment and for recognizing the impacts to RVTs and the amount of money it costs to remain licensed.

- Dr. Jaymie Noland moved and Dr. Maria Preciosa S. Solacito seconded a motion to approve the proposed responses to comments received during the 45-day public comment period and during the public hearing, and direct staff to incorporate the responses into the final statement of reasons and proceed with the final Certificate of Compliance rulemaking package. The motion carried 6-0. (Ms. Kathy Bowler was not present for the vote).
- E. [Section 2090-2095, Article 11, Division 20, Title 16 of the CCR Regarding Drug Compounding](#)

Mr. Sotelo stated the regulatory item was before the Board to consider and approve proposed responses to comments and recommendations received during the 15-day public comment period. He explained the comment period was in response to modified text, which was approved by the Board in October and noticed to the public in November 2020. He added that at the October 2020 meeting, the Board approved responses to comments and recommendations received by the Animal Health Institute (AHI) during the 45-day public comment period and approved the modified text to address the concerns raised by AHI. He stated that during the 15-day public comment period, only one written comment was received, again by AHI. However, he explained additional modifications to the regulatory text were not being recommended, and responses approved by the Board in October, as well as those approved in response to the 15-day public comment period, would be incorporated into the final statement of reasons and final rulemaking package. Mr. Sotelo summarized the comments and recommendations received from AHI during the 15-day public comment period and the proposed responses.

- Dr. Mark Nunez moved and Ms. Alana Yanez seconded a motion to approve the proposed responses to written comments with recommendations received during the 15-day public comment period, and direct staff to incorporate the responses into the final statement of reasons when proceeding with the final rulemaking package. The motion carried 7-0.

There were no public comments made on the motion.

12. [Recess until January 29, 2021, at 9:00 a.m.](#)

The meeting was recessed at 4:44 p.m.

DRAFT

9:00 a.m., Friday, January 29, 2021

13. Reconvene - Establishment of a Quorum

Dr. Mark Nunez called the meeting to order at 9:01 a.m. Ms. Jessica Sieferman called roll; six members of the Board were present, and a quorum was established. Dr. Christina Bradbury was absent. Ms. Kathy Bowler joined the meeting at 9:58 a.m.

Members Present

Mark Nunez, DVM, President
Kathy Bowler, Public Member, Vice President (*arrived at 9:58 a.m.*)
Jennifer Loreda, RVT
Jaymie Noland, DVM
Dianne Prado, Public Member
Maria Preciosa S. Solacito, DVM
Alana Yanez, Public Member

Staff Present

Jessica Sieferman, Executive Officer
Patty Rodriguez, Inspection Program Manager
Rob Stephanopoulos, Enforcement Manager
Kellie Flores, Licensing Unit Lead Analyst
Virginia Gerard, Probation Monitor
Kimberly Gorski, Enforcement Analyst
Terry Perry, Enforcement Technician
Kim Phillips-Francis, Enforcement Technician
Justin Sotelo, Lead Administrative & Policy Analyst
Karen Halbo, Regulatory Counsel, DCA
Tara Welch, Board Counsel, DCA

Guests Present

Daniel Baxter, CVMA
Deb Carter
James Coghlan, Petitioner
Elizabeth Coronel, Moderator, DCA, SOLID
Mark Cushing, APG
Bikram Dhaliwal, DCA, Budget Office
Cheryl Douglas, Enforcement Analyst
Nancy Ehrlich, RVT, CaRVTA
Anita Levy Hudson, RVT, CaRVTA
Justyne Johnson, Stenographer
Tom Jurach, Co-Moderator, DCA, SOLID
Erin Koch-Goodman, Administrative Law Judge (ALJ), Office of Administrative Hearings
Bonnie Lutz, Esq., Klinedinst
Edie Marshall, DVM, California Department of Food and Agriculture
Grant Miller, DVM, CVMA
John Pascoe, DVM, University of California, Davis
Ryan Perez, Business Analytics Manager, DCA, Organizational Improvement Office
Malissa Siemantel, Deputy Attorney General (DAG), Office of the Attorney General, Department of Justice
Daniel Slaton, DVM

Cesar Victoria, Television Specialist, DCA, OPA

14. Board President Report – Mark Nunez, DVM

Dr. Nunez reported that as new Board President, he began having weekly calls with Ms. Sieferman on Mondays. He noted the weekly calls have been very helpful. He next discussed the confusion and issues related to the distribution of the COVID-19 vaccinations for veterinarians and veterinary staff and noted the Board had written a letter to the California Department of Public Health regarding veterinarians and veterinary staff being designated in Phase 1A of the vaccination roll out.

Ms. Yanez stated Kaiser Permanente was honoring vaccinations for individuals in Phase 1A, in counties that were not honoring vaccinations for all Phase 1A individuals. She added Kaiser Permanente was even honoring vaccinations for non-members. She urged veterinarians, RVTs, and support staff to contact Kaiser Permanente and make an appointment.

The Board received public comment on this item. Ms. Levy Hudson stated she heard several conflicting stories about the administration of the COVID-19 vaccination. She asked if there was a point of contact to whom veterinary staff could reach out if they were unable to get or schedule a vaccination.

Ms. Yanez responded it was her understanding that if individuals cannot get a vaccination right now from their county, they need to wait until Phase 1B. She added that veterinary staff will be honored during Phase 1B, from what she had been told. She also stated that individuals need to be very diligent about checking their county's public health website or signing up to receive electronic notifications. She also added that Los Angeles County would enter Phase 1B in early February. However, she again encouraged individuals to go to Kaiser Permanente to try to get an appointment.

Ms. Sieferman stated the Governor's Office recently announced their new application My Turn, and more information on the application could be found at gov.ca.gov. She also explained that the application would provide notifications as to when it is your turn to get vaccinated. She added the application was available in Los Angeles and San Diego counties and would be available to all counties in February.

Dr. Nunez reported he and Ms. Sieferman participated in the CVMA Board of Governors meeting on January 22, 2021. He stated Ms. Sieferman provided a comprehensive Board report at the meeting.

15. Registered Veterinary Technician Report – Jennifer Loredo, RVT

Ms. Loredo reported the MDC was recommending the Board move forward with the PAVE for Veterinary Technicians Program and rolling this out would be a huge accomplishment. She thanked AAVSB for all of their work on this program.

Ms. Loredo next thanked Ms. Sieferman and staff for obtaining the VTNE pass rates by school and noted the information would be provided under one of the Executive Management Reports. Ms. Loredo discussed opportunities to serve on the AVMA-CVTEA and encouraged California RVTs to apply for positions.

Regarding the issue of name badges and title protection, Ms. Loredo recently learned this may be more of a legislative issue and perhaps something the Board does not have the authority to enforce. She noted this is an issue an association could potentially take the lead on, but the issue should not be ignored.

Regarding Board fees, Ms. Loredo thanked all involved who are working on getting fees reduced for RVTs. Ms. Loredo thanked Board staff for all of their work and acknowledged there has been some great strides for RVTs in recent years as a result of Board staff.

The Board received public comment on this item. Ms. Ehrlich provided a comment regarding the average pass rates for the RVT schools. She stated that the national pass rate was available; however, CCR, title 16, section 2065.7, subsection (b)(2), references the state average pass rate for first time candidates. She, therefore, added that the state average was needed, or the regulation would need to be amended.

Ms. Loredo stated that questions regarding pass rates could be addressed during the Examination Report.

16. National Association Involvement Reports – Kathy Bowler and Mark Nunez, DVM

A. International Council for Veterinary Assessment

Ms. Bowler reported the International Council for Veterinary Assessment (ICVA) board had just met virtually during the prior weekend. She stated ICVA staff have been very resourceful and hard-working during the last year in terms of helping thousands of veterinary students. She added all of the testing windows for the national examination were extended, and more candidates tested in 2020 than in 2019. She stated ICVA had been able to provide free assessment tests to students during 2020, and thousands of students took advantage of that. She added the Spring 2021 testing window had also been extended, from March 1 through May 31, as well as the application window.

Ms. Bowler also reported ICVA had just completed its strategic plan for 2021. She added that, nationally, a lot of the veterinary community is concerned about access to veterinary care and diversity within the profession. She stated that at the recent board meeting, they had a workshop on how a board can utilize or incorporate diversity, inclusion, equity, and privilege into its decision-making processes to accomplish its mission and vision statements. She noted they had an interesting dialogue on that topic and created some action items with that topic in mind. She stated the next ICVA board meeting would be held in June.

There were no public comments made on this item.

B. AAVSB, Member and Program Services Think Tank

Dr. Nunez stated the Program Services Think Tank's responsibility is to review existing and proposed programs and services provided by AAVSB and ICVA. He stated their last meeting was held virtually on October 27, 2020. He is impressed that the Think Tank reviews and updates its strategic blueprint every year. He stated they have been looking at making different tiers of RVTs and the education and training that would be involved with those options; this topic was just in the discussion stage at this point. He stated they also discussed the issue of corporate ownership. He added they were provided with updates on: COVID-19 vaccination distribution and how it is affecting hospitals; streamlining the NAVLE application process;

application programming interface data transfers; and license verification programs. He stated their next meeting will be held on February 11, 2021.

Ms. Loreda asked what jurisdictions were considering different tiers for RVTs. Dr. Nunez responded it was Idaho. There were no public comments made on this item.

17. Update, Discussion and Possible Action Regarding AAVSB Activities

A. Call for Bylaws Amendments

Ms. Bowler stated the Board had time to consider proposed changes to the bylaws, as they would not be passed until September 2021. She added the Board could perhaps take action on this item at its April meeting. She stated the next AAVSB conference was scheduled for September 2021 and would be held in Colorado, if held in person. There were no public comments made on this item.

For Items B through H below, there was no required action or discussion.

B. AAVSB Annual Meeting

C. Continuing Education (CE) Tracking

D. Model Regulations for the Appropriate use of Opioids in Veterinary Medicine

E. Veterinary Technologist Job Analysis Survey Executive Summary

F. AAVSB COVID-19 Tracking

G. Veterinary Technician National Examination (VTNE) Scheduling Updates

H. AAVSB Automated License Verifications

18. Executive Management Reports

A. Sunset Review

Ms. Siefertman stated there were no materials for this item; it was included as a placeholder in the event there were updates. She recently received an email from Elissa Silva, Consultant for the Senate Committee on Business, Professions and Economic Development. Ms. Siefertman read the email from Ms. Silva, which acknowledged and thanked the Board for its timely report and supplemental materials submission to the Committee, and indicated the details for the upcoming Sunset review hearings were still pending. Ms. Siefertman heard the hearings could potentially be held in February, but she would continue to provide updates to the Board as they become available. There were no public comments made on this item.

B. Administration

Ms. Siefertman reported the Board's Administrative Analyst Elizabeth Parker-Smith recently retired from state service. Ms. Siefertman thanked Ms. Parker-Smith for her 15 years of excellent service to the Board and stated she would be missed.

Ms. Sieferman next provided updates regarding budget letters that were introduced. She explained that in addition to the 10 percent salary cut state employees had to take, the Board was required to do a five percent budget reduction. She added that after clarification from the Department of Finance, it was determined that the five percent reduction only needed to come out of the Board's Operating Expense and Equipment (OE&E) budget, not the Board's entire budget. She stated the reduction ended up being approximately \$53,000. She also explained that due to the required 10 percent salary reduction, which equated to approximately \$321,000, the Board was required to loan that amount to the General Fund. She stated the money was taken out of the Board's fund this fiscal year, but would be repaid when the General Fund no longer needs the funds or if the Board is facing insolvency.

Bikram Dhaliwal, DCA Budget Analyst, next presented the fund condition and expenditure projection reports. Mr. Dhaliwal stated the expenditure report was for fiscal month five (November), which looked good, showing nearly \$400,000 in reversion under personnel services. He felt the projections were pretty accurate based on vacancies and when positions were being filled. He also added the reversion under personnel services would allow the Board to absorb costs under OE&E. He also stated the Board historically has had significant reversions under the \$211,000 travel budget line item. Mr. Dhaliwal stated that based on fiscal month five projections, the Board's budget looked good, and he was anticipating a 10.6 percent fiscal year reversion/surplus, which equated to approximately \$676,000. He also stated the Board, overall, was doing a very good job with regard to cost savings.

Regarding the fund condition report, Mr. Dhaliwal stated the report was for the 2021-22 Governor's Budget. He explained the report included actuals for fiscal year 2019-20, which resulted in 5.3 month in reserve for that year. He also stated the next three years were projected to be at over five months in reserve; however, things can fluctuate from year to year. He explained that for the next Board meeting, he would factor in reversions into the fund condition report, which would in fact increase the months in reserve amount for fiscal year 2020-21. Mr. Dhaliwal also explained the report showed an increase in revenue for fiscal year 2020-21 due to the emergency fee increase.

Dr. Nunez asked if the fund condition report included the General Fund loan; Mr. Dhaliwal indicated it did. Dr. Nunez also asked if the report reflected making temporary positions into permanent positions; Mr. Dhaliwal indicated it did not.

Ms. Bowler asked if there would be a reconsideration to restore the 10 percent salary reduction, perhaps with the May Revise. Mr. Dhaliwal stated it was referenced in the agenda item attachment; however, no specific information was known at this time. He explained, however, that when the Governor released his budget earlier that month, it did contain good news in that revenues were greater than anticipated. He stated the salary reduction could potentially be eliminated in July 2021.

Ms. Sieferman also noted the Administration Report highlighted additional updates and accomplishments with regard to strategic plan objectives. There were no public comments made on this item.

C. Examination

Ms. Welch presented the agenda on Timothy Rodda's behalf. She noted the report included examination statistics for the CSBE, NAVLE, and VTNE. She stated Board staff compiled RVT

candidate pass rates for the VTNE for fiscal years 2018-19 through 2020-21. She added that pursuant to CCR, title 16, section 2065.8, subsection (a)(2), the Board may place a school or degree program on probation for a period of time not to exceed two years if, for a period of two years, the approved school's or degree program's yearly average pass rate for first time candidates falls below ten percentage points of the state average pass rate for first time candidates who have taken the examination during the same time period.

Ms. Welch stated Board staff had identified one RVT program whose Board approval may be placed on probation – San Joaquin Valley College. She explained the school's first time candidate pass rates for 2018-19 and 2019-20 fell below ten percentage points of the state average pass. Ms. Welch asked the Board to consider whether to place San Joaquin Valley College on probation pursuant to CCR section 2065.8, subsection (a)(2).

Dr Nunez asked what would be involved with putting a program on probation. Ms. Welch responded there was due process involved, which would require the Board provide notice of probation, and the program would be given an opportunity to be heard by the Board. She added the program could appear before the Board at its next meeting in April.

- Ms. Alana Yanez moved and Dr. Mark Nunez seconded a motion to place San Joaquin Valley College on probation. The motion carried 7-0.

There were no public comments made on the motion. Additionally, Ms. Welch indicated the Board also had the authority to inspect schools or programs if, for a period of two years, their overall yearly pass rates (for both first time and retake candidates) fell below 10 percentage points of the state average pass rate for first time candidates. She noted there were five schools, in addition to San Joaquin Valley College, subject to inspection. However, she stated no motion would be required for the Board to inspect those programs.

Dr. Nunez stated it would be challenging to do inspections right now, but indicated he would be in favor of letting the programs know they fell below the requirement. Ms. Loreda agreed with Dr. Nunez and noted many programs are not able to offer certain courses during the pandemic, and it may be difficult reaching directors of programs, as they are not physically on campus at this time. She stated she supported the inspection of programs, but asked if the issue could perhaps be revisited once schools reopen.

Ms. Yanez asked if the Board could just put programs on notice for now. Ms. Siefertman responded the Board could do that and also ask programs for an explanation as to why their pass rates are lower.

The Board received public comment on this item. In response to Ms. Yanez's question, Ms. Levy Hudson stated she believed San Joaquin Valley College was a community college.

D. Licensing

Ms. Siefertman stated she wanted to get direction from the Board on printing and posting licenses. She explained printing was a substantial cost around \$45,000, and mailing licenses was a separate cost. She stated that at the California State Board of Optometry, they were able to stop printing the initial paper licenses, but still gave licensees the option to purchase wall certificates. She explained they could utilize a feature called published to licensee that allows a licensee to see in their dashboard once the license has been issued, and to also print the license themselves.

Ms. Sieferman was also exploring with DCA the option to go completely paperless for license renewals. She would like to utilize the DCA license search page, which is the most up to date information at any given time, so the public and licensees would have to ability to print and post the license information, and utilize a QR code to access the most up to date license status information. She asked the Board if this was something they would like her to pursue.

Ms. Bowler stated she felt that was a good idea, this was something becoming more common, and it would save the Board money. Dr. Nunez noted that the QR code would ensure that the information is valid. There were no public comments made on this item.

E. Enforcement

Enforcement Manager Rob Stephanopoulos reported the Enforcement Unit's six limited term positions had been filled. He also stated they were working on getting the new limited term manager position filled, as well as the new office technician position for the Probation Unit. As a result of these new positions, he felt the unit was moving in the right direction. Ms. Bowler stated the Board needs to maintain this current staffing level, so it can address the case workload.

Dr. Nunez asked if there had been an increase in complaints regarding curbside service or due to veterinarians having to practice differently during the pandemic. Mr. Stephanopoulos responded he had not seen anything different with regard to those types of allegations.

Ms. Bowler asked, with the increase in staffing, what the caseload per analyst would be. Mr. Stephanopoulos responded it would be at about 300 cases per analyst. He also added the complexity of the Board's cases requires more time and resources.

Ms. Sieferman also added the additional six analysts was not sufficient for the size of the Board's enforcement program, however, that was all the Board's fund could support. She stated the Board would likely need additional staff in the future; however, it will have to assess what the Board is able to do with the recent additions. There were no public comments made on this item.

F. Probation

Ms. Gerard stated her report provided recent updates and statistics. She had 100 pending complaints, 27 of which were against one individual. Her focus has been on probationers with clusters of complaints, as well as older complaints. She was looking forward to bringing the new office technician on board, as that would be extremely helpful for the unit.

Ms. Bowler asked if getting the new office technician would still be possible under the new budget parameters. Ms. Sieferman responded that due to the recent cost savings, the Board would be able to hire the office technician; however, the Board was moving forward with a budget change proposal to get the authority and funding for that position. There were no public comments made on this item.

G. Hospital Inspection

Inspection Program Manager Patty Rodriguez reported her staff were continuing to transition over to learning the enforcement process and pursuing administrative and disciplinary actions after inspections. She also stated the Board is continuing to look at the possibility of utilizing a

mobile inspection application. Ms. Loreda asked how the Board was currently doing complaint-driven inspections during the pandemic. Ms. Rodriguez responded the Board was still sending inspectors out to hospitals. There were no public comments made on this item.

H. Outreach

Ms. Sieferman encouraged Board members to review the recent updates to the Board website, as discussed in the cover memo. She also thanked Ms. Loreda for her input in making the homepage more user-friendly. Ms. Bowler complimented Ms. Loreda and Board staff for the improvements to the Board website. There were no public comments made on this item.

19. Future Agenda Items and Next Meeting Dates

- **April 22-23, 2021**
- **July 22-23, 2021**
- **October 21-22, 2021**

Ms. Loreda noted that some MDC member terms were expiring in June 2021, and the Board would need to conduct interviews and new appointments. There were no public comments made on this item.

20. Special Order of Business (1:00 p.m.)

This agenda item commenced at 1:21 p.m.

ALJ Erin Koch-Goodman commenced the petition hearings.

A. Petition for Reinstatement – James Coghlan, Revoked Veterinarian License No. 9742

ALJ Koch-Goodman presided over the petition for reinstatement. DAG Malissa Siemantel updated and presented the case against James Coghlan. Mr. Coghlan represented himself and presented his petition for reinstatement. Mr. Coghlan answered questions from the DAG and members of the Board. ALJ Koch-Goodman closed the hearing.

B. Petition for Termination of Probation – Daniel Slaton, DVM, License No. VET 15324

ALJ Koch-Goodman presided over the petition for termination of probation. DAG Siemantel updated and presented the case against Daniel Slaton, DVM. Dr. Slaton represented himself and presented his petition for termination of probation. Dr. Slaton answered questions from the DAG and members of the Board. ALJ Koch-Goodman closed the hearing.

Open session recessed at 4:05 p.m.

21. Pursuant to Government Code Section 11126(c)(3), the Board Will Meet in Closed Session to Deliberate and Vote on the Above Petitions and Disciplinary Matters, Including Stipulations and Proposed Decisions

Closed session convened at 4:16 p.m.

Petition for Reinstatement – James Coghlan, Revoked Veterinarian License No. 9742

The Board adopted a motion to grant the petition for reinstatement, issue the license, immediately revoke the license, stay revocation, and place petitioner on probation.

Petition for Termination of Probation – Daniel Slaton, DVM, License No. VET 15324

The Board adopted a motion to grant the petition for termination of probation and issue an unencumbered license.

In the Matter of the Petition to Revoke Probation Against Lisa Devincenzi, RVT Registration No. 13042

The Board adopted a motion to adopt the Stipulated Settlement and Disciplinary Order.

Closed session adjourned at 5:49 p.m.

22. Adjournment Upon Conclusion of Business – Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session under Item 17, and there will be no other items of business discussed.

Open session reconvened at 5:49 p.m.

Dr. Nunez adjourned the meeting at 5:49 p.m.

**Agenda items for this meeting were taken out of order. The order of business conducted herein follows the publicly noticed Board meeting Agenda.*

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